

Expert Witnesses, Exhibit Requirements, and Proposed Scheduling Orders

Expert Witnesses

Whenever possible, the Board prefers for the parties to stipulate to the curriculum vitae of expert witnesses and to the admission of a witness as an expert.

Exhibits:

Joint stipulated exhibits: Prior to hearing, the parties should agree to file as many joint stipulated exhibits as possible. The stipulated exhibits will contain the entire set of both parties' stipulated exhibits, numbered consecutively. The parties should also provide an index to the stipulated exhibits.

Each page of every exhibit, other than demonstrative exhibits developed by witnesses during the hearing, must be Bates stamped. The parties shall duplex pages whenever possible and place in 3-ring binders in such a manner as to avoid obscuring information. The Board requires four copies of exhibits, one official copy and three working copies. The Board needs only one official copy of a FERC form, federal/SEC filing, or other large document when only a relatively few pages of the document will be referenced during the hearing. Do not provide working copies of the full document for the Board. During the hearing, the parties may provide individual pages of such documents to the Board members as necessary.

If the Board has designated specific information as confidential, that information must be printed on yellow paper when included in or submitted as an exhibit.

All expert reports and appraisal not subject to a motion in limine shall be filed with the Board at the same time as the joint stipulated exhibits. The parties will submit three copies of such reports to the Board. These materials may be included in the stipulated exhibits if the parties agree to do so. When filed in advance, the parties should not also file additional copies of the expert reports, other than the official copy which will be labeled as an exhibit at the hearing.

Proposed Scheduling Orders:

When requested by the Board, the parties shall file a proposed scheduling order. If possible, the scheduling order shall be jointly filed. See the sample scheduling order at www.stab.mt.gov/reference.asp for the requirements to be met by a proposed scheduling order.